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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,614	02/15/2002	Brian L. Smith	5181-91500	2877
7590	07/16/2004			EXAMINER
Rory D. Rankin Conley, Rose, & Tayon, P.C. P.O. Box 398 Austin, TX 78767			TABONE JR, JOHN J	
			ART UNIT	PAPER NUMBER
			2133	3
DATE MAILED: 07/16/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/077,614	SMITH ET AL.
	Examiner John J. Tabone, Jr.	Art Unit 2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 August 2002.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-21 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 15 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  
*Inventor's info is missing* : Q

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
*Paper No(s)/Mail Date 2.*
- 4) Interview Summary (PTO-413)  
*Paper No(s)/Mail Date. \_\_\_\_\_*  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

1. Claims 1-21 have been examined.

### ***Specification***

2. The disclosure is objected to because of the following informalities: Page 5, line 5 discloses 3 entities 202, 204 and 206, however, on lines 6-8 these entities are referred as entities 202-206. The range 202-206 implies 202, 203, 204, 205, 206 not 202, 204 and 206. Appropriate correction is required.

### ***Claim Objections***

3. Claims 17-19 are objected to because of the following informalities: These claims are improperly depending on claim 15. For purpose of examination the Examiner will read these claims as depending on claim 16. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8:

This claim recites the limitation "said transmitter" on line 1 and "said receiver" on line 2. This should read "said first transmitter" and "said first receiver", respectively. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Coleman et al. (US-4562436), hereinafter Coleman.

Claims 1, 9, and 16:

Coleman teaches each Front End (FE) computer 220,221 is initialized with a unique identifier which is stored as part of the `logical\_id` byte of the message HEADER (second data), as depicted in FIG. 6, for all messages originated by the associated FE computer. (Col. 19, lines 30-34). Coleman also teaches that within the framework of the GPIB protocol, a controller (sender) (first transmitter) and listeners (receivers) (first receiver) communicate via a second-level protocol. Coleman further teaches that messages transferred over the GPIB data lines D0-D7 comprise a check word (second data) (CRC-8 polynomial in the illustrative embodiment) followed by the series of data bytes (first data) comprising the actual message. Coleman discloses after

the entire augmented message has been received by a listener or listeners (receiving the first data and the second data at a first receiver), the receiving software computers a check value and compares it to the check word in the message. Coleman continues to teach if the word and value match, a positive-acknowledgement (ACK) is transmitted to the sending side (transmitting a first feedback data...in response to determining said first data is correct) and if there is no match, some data error occurred and a negative acknowledgement (NACK) is transmitted to the sending side (transmitting a second feedback data..., wherein second feedback data is not equal to said first feedback data, in response to determining said first data is not correct). (Col. 75, lines 7-31, FIG. 57).

Claims 2, 10 and 17:

Coleman teaches that messages transferred over the GPIB data lines D0-D7 comprise a check word (identifier) (CRC-8 polynomial in the illustrative embodiment) followed by the series of data bytes (test pattern) comprising the actual message. Coleman also teaches the Talker/Listener/Controller (T/L/C) side transmits an ACK to the Talker/Listeners (T/L) side by sending a single zero byte (Ox00) (sequence of bits) to the minor address of the T/L, shown as part of device 714 in FIG. 57. Coleman further teaches that the T/L side transmits positive and negative acknowledgements via its serial poll register, represented by device 715 in FIG. 57, where one bit (first portion comprises a single bit) is assigned to each type of acknowledgement (Col. 75, lines 7-41).

Claims 3, 11 and 18:

Coleman teaches that after the entire augmented message has been received by a listener or listeners, the receiving software computes a check value (expected data) and compares it to the check word in the message (first receiver said first data is correct). Coleman continues to teach if the word and value match (matches an expected data), a positive-acknowledgement (ACK) is transmitted to the sending side. (Col. 75, lines 7-31).

Claims 4, 12 and 19:

Coleman teaches if the word and value match (matches an expected data), a positive-acknowledgement (ACK) (first feedback data equal to second data) is transmitted to the sending side. (Col. 75, lines 7-31).

Claims 5, 13 and 20:

Coleman teaches if there is no match, some data error occurred and a negative acknowledgement (NACK) (complement of second data) is transmitted to the sending side. (Col. 75, lines 7-31).

Claim 6:

Coleman teaches each Front End (FE) computer 220,221 (first transmitter) is initialized with a unique identifier which is stored as part of the `logical\_id` byte of the message HEADER, as depicted in FIG. 6, for all messages originated by the associated FE computer. (Col. 19, lines 30-34).

Claims 7, 14 and 21:

Coleman teaches each Front End (FE) computer 220 (first transmitter),221 (second transmitter transmitting a third data) is initialized with a unique identifier which

is stored as part of the 'logical\_id' byte of the message HEADER, as depicted in FIG. 6, for all messages originated by the associated FE computer. (Col. 19, lines 30-34).

Claims 8 and 15:

Coleman teaches the clock signal for timing device 2001 is derived from oscillator 2004 and clock divider 2005 of FIG. 63. Coleman also teaches oscillator 2004 produces a square-wave output with a frequency of 4.0 MHz and clock divider 2005 is an eight stage counter, but only three outputs are selected. In particular, CLKA, CLKB, and CLKC correspond, respectively, to 15.625 kHz, 2 MHz and 62.5 kHz. (Col. 77, lines 1-7). Coleman further teaches the port controllers 2200 allows for unambiguous communication on the single GPIB bus (see claim 1 rejection) with CLKC at 15.625 kHz (receiver configured at a second speed which is lower than the first speed), CLKB is set for 31.25 kHz (transmits at a first speed) operation and CLKA is not utilized. (Col. 92, lines 20-27).

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Emerson et al. (US-5553059)

Emerson teaches transmitting a series of bits which include a device identifier code and compares the received bit stream with an expected sequence (Claim1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Tabone, Jr. whose telephone number is (703) 305-8915. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on (703) 305-9595. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John J. Tabone, Jr.  
Examiner  
Art Unit 2133

*John J. Tabone*  
for

Albert DeCady  
Primary Examiner